IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 881 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

UNITED INDIA INSURANCE CO.LTD.

Versus

RAJESHBHAI JERAMBHAI PATEL

Appearance:

1. Misc.Civil Application No. 881 of 2004

MR PV NANAVATI for Petitioner No. 1

MR VIBHUTI NANAVATI for Petitioner No. 1

RULE SERVED for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 27/08/2004

ORAL JUDGEMENT

#. Though served, none appears for the respondents and hence, the matter is taken up for final hearing today.

#. By filing this application, the applicant, United India Insurance Company Ltd., has prayed that Motor Accident Claims Petition No.79 of 2004, which is pending before the Motor Accident Claims Tribunal at Navsari, be transferred to Motor Accident Claims Tribunal at Surat.

#. An unfortunate accident had occurred on 1.11.2003 at about 10.00 p.m. when the luxury bus, bearing registration No.GJ-5-Z-234, which was going from Panchgini to Pune, met with an accident, as the driver lost control over the vehicle, and the vehicle plunged into a Ghat thus causing death of 21 occupants of the said bus. Many passengers were also injured in the said accident.

#. Various claim petitions are filed before the Motor Accident Claims Tribunal, Surat, in connection with the said accident, and the respective numbers of such cases are given in paragraph 2 of this application. So far as the present respondent No.1 is concerned, he has filed a claim petitio, being Motor Accident Claims Petition No.79 of 2004, before the Motor Accident Claims Tribunal at Navsari. Since most of the claim petitions are pending before the Motor Accident Claims Tribunal at Surat, the Insurance Company has prayed that claim petition pending at Navsari may be transferred to Motor Accident Claims together, as they arise out of the same accident.

#. Though served, none appears for the respondents. It seems that the respondents are not interested in opposing this MCA for transfer of the claim petition.

#. Considering the facts and circumstances of the case, this Misc. Civil Application is required to be allowed. Motor Accident Claims Petition No.79 of 2004, which is pending before the Motor Accident Claims Tribunal at Navsari, is ordered to be transferred to Motor Accident Claims Tribunal at Surat. After such transfer, the said claim petition is ordered to be heard with the other cognate matters, which are pending before the Motor Accident Claims Tribunal, Surat.

#. Accordingly, this Misc. Civil Application is allowed. Rule is made absolute. No costs.

#. Writ to be sent to the Motor Accident Claims Tribunal, Navsari forthwith for transferring case papers of aforesaid case to Motor Accident Claims Tribunal,

Surat.

(P.B.Majmudar,J)

(pathan)